

### **REMARKS**

This paper is responsive to any paper(s) indicated above, and is responsive in any other manner indicated below.

### **DRAWING OBJECTIONS - TRAVERSED**

The section numbered "2" on page 2 of the Office Action objects to the drawings under '1.83 stating that the drawings must show every feature of the invention specified in the claims. Traversal is appropriate, because such feature of the claimed invention was already illustrated within the FIG. drawings. More particularly, FIG. 1, for example, illustrates items 104a, unnumbered mirrors, 106a which represent a "first reflection optical system", and further illustrates items 104b, unnumbered mirrors, 106b which represent a "second reflection optical system." In any event, unrelated to the objection, claims 10 and 12-13 have been canceled without prejudice or disclaimer, and remaining claim 11 has been amended, thus rendering this objection obsolete at this time. Based upon the foregoing, reconsideration and withdrawal of the above-referenced objection to the drawings are respectfully requested.

### **NON-ENTRY OF INFORMATION DISCLOSURE STATEMENT - TRAVERSED**

Applicant's previously-submitted information disclosure statement has been refused entry, apparently on a basis that Applicant utilized a listing/format other than a Form PTO-1449 to list references. Strong traversal is appropriate as there is no

**basis for denying entry**. More particularly, MPEP 609 states "Applicants are **encouraged** to use the USPTO forms when preparing an information disclosure statement." The term "**encouraged**" does not mean "mandatory", and there is **no authorization within the MPEP or elsewhere for denying entry** when a different (i.e., non-1449) type of listing/format is used. Applicant's specification contains statements regarding the relevance of ones of the listed art references. Applicant respectfully requests return of an Examiner-initialed copy indicating that the information (i.e., references) has been considered. Applicant respectfully thanks the Examiner in advance for such initialing/consideration.

### **PENDING CLAIMS**

Claims 1-19 were pending, under consideration and subjected to examination in the Office Action. Appropriate claims have been amended, canceled (without prejudice or disclaimer) and/or added in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is present interested. At entry of this paper, Claims 1-7, 11 and 20-29 will be pending for further consideration and examination in the application.

**REJECTION UNDER '112, 2ND PAR. OBVIATED VIA CLAIM AMENDMENT**

Claims 1-2 and 6-10 have been rejected under 35 USC '112, second paragraph, as being indefinite for the concerns listed within the section numbered "6" on page 3 of the Office Action. Unrelated to any prior art rejection, claims 8-10 have now been canceled without prejudice or disclaimer, thus rendering the rejection thereof obsolete at this time. Claims 1-2 and 6-7 have been carefully reviewed and carefully amended where appropriate in order to address the Office Action listed concerns. As the foregoing is believed to have addressed all '112 second paragraph concerns, reconsideration and withdrawal of the '112 second paragraph rejection are respectfully requested.

**ALL REJECTIONS UNDER 35 USC '102 AND '103 - TRAVERSED**

All 35 USC rejections based on ones/combinations of the Sekine et al (U.S. 6,104,481), Marxer et al. (U.S. 6,271,916), Vaez-Iravani et al. (U.S. 6,201,601) and Quackenbos et al. (U.S. 4,794,264) are respectfully traversed. However, such rejections have been rendered obsolete by the present clarifying amendments to Applicant's claims, and accordingly, traversal arguments are not appropriate at this time. However, Applicant respectfully submits the following to preclude renewal of any such rejections against Applicant's clarified claims.

All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously

submitted by Applicant in any form, are repeated and incorporated hereat by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed. As additional arguments, Applicant respectfully submits the following.

Unrelated to any prior art rejection, ones of the rejected claims have been canceled without prejudice or disclaimer. Patentability of remaining ones of the rejected claims are supported as follows.

In order to properly support a '102 anticipatory-type rejection, any applied art reference must disclose each and every limitation of any rejected claim. The applied art does not adequately support a '102 anticipatory-type rejection because, at minimum, such applied art does not disclose (or suggest) the following discussed limitations of Applicant's claims.

Applicant's disclosed and claimed invention is directed to arrangements for detecting foreign particles and defects, where such arrangements allow the detection to be carried out with high speed as well as high sensitivity and to categorize detected defects such as scratches from foreign particles. In order to accomplish the high speed, Applicant's has arrangements wherein an irradiation location of the laser beam moves with regard to a surface of the object. For example, attention is directed to Applicant's FIG. 6 showing a rotating mirror 601 which causes a side-to-side scanning of laser beam to accomplish a wide scanning path on the surface of the wafer object 101. A wider scanning path accomplishes scanning of an entirety of the wafer within a shorter period of time. Applicant's FIGS. 8-10, for example, accomplish laser

movement/scanning using acoustic optical deflectors. While Applicant's independent claims contain the "movement" features/limitations, it is respectfully noted that added claims 20-29 add further specified features/limitations (e.g., concerning the rotating mirror and acoustic optical deflector).

None of the previously applied references would have disclosed or suggested the above-discussed features/limitations of Applicant's claims.

As a result of all of the foregoing, it is respectfully submitted that the applied art would not support a '102 anticipatory-type rejection or '103 obviousness-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of such '102 and '103 rejections, and express written allowance of all of the rejected claims, are respectfully requested.

#### **EXAMINER INVITED TO TELEPHONE**

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

#### **RESERVATION OF RIGHTS**

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present

application are without prejudice or disclaimer. Further, Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

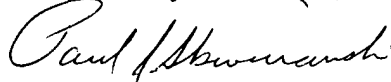
To the extent necessary, Applicant petitions for an extension of time under 37 CFR '1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees and excess claim fees, to Deposit Account

Yoshimasa OHSHIMA et al., 09/973,000  
Amdt. dated 04 November 2003  
Reply to Office action of 04 June 2003

520.40755X00/NT0494US  
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No. 01-2135 (referencing case No. 520.40755X00) and please credit any excess fees to  
such deposit account.

Respectfully submitted,



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CONCURRENT SUBMISSIONS:

Petition for Extension of Time  
Information Disclosure Statement  
Form PTO-2038

(Original)